

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

STEPHEN KERSHNAR,

*Plaintiff,*

v.

STEPHEN H. KOLISON, JR, in his  
individual capacity and his official  
capacity as the President of the State  
University of New York at Fredonia, *et*  
*al.*,

*Defendants.*

Case No.: 1:23-cv-00525

**DECLARATION OF DR. NEIL FEIT  
IN SUPPORT OF MOTION FOR  
PRELIMINARY INJUNCTION**

Under 28 U.S.C. § 1746, I, Neil Feit, declare as follows:

1. I am over the age of 18 and have personal knowledge of the facts in this declaration.
2. I am a Distinguished Teaching Professor at SUNY Fredonia. I have been a member of its Department of Philosophy since 1999.
3. The sole purpose of this declaration is to offer evidence in support of Plaintiff's motion for a preliminary injunction.

***Dr. Kershner's podcast appearances***

4. I am familiar with Dr. Stephen Kershner's appearances on the *Unregistered* and *Brain in a Vat* podcasts.
5. Dr. Kershner's discussions on these podcasts are a form of traditional philosophic inquiry that are well within the boundaries set by disciplinary norms.

***Cancellation of Dr. Kershnar's Fall 2022 courses***

6. The first day of classes during the Fall 2022 semester was Monday, August 22, 2022.

7. Prior to the outset of the Fall 2022 semester, and several days into the semester, SUNY Fredonia offered students three Philosophy courses assigned to Dr. Kershnar, each beginning on Tuesday, August 23, 2022.

8. Although the courses were listed on SUNY Fredonia's Course Schedule without an identified instructor, I knew these courses had been internally assigned to Dr. Kershnar.

9. When students arrived to the first day of Dr. Kershnar's courses on Tuesday, they found a sign attached to the classroom door informing them that the class had been cancelled for the day.

10. The courses (as opposed to the Tuesday class sessions) were not finally cancelled until Thursday, August 25, 2022.

11. The course cancellations were particularly frustrating to students who major or minor in Philosophy, as some of the courses are upper-division courses students may require to graduate.

12. It is difficult to find instructors to teach some of these courses because they require expertise in their subject matter.

13. I know Dr. Kershnar to have the expertise necessary to teach these courses.

***President Kolison and Provost Starrett's comments to the University Senate***

14. On August 29, 2022, President Kolison and Provost Starrett appeared before the University Senate, a faculty governing body.

15. During the meeting, I asked President Kolison whether the investigation he publicly announced in February had completed and what its results were.

16. President Kolison refused to answer the question, stating he could not discuss the matter in a public forum, citing unspecified university policy, law, and the need for due process.

17. During the meeting, I also asked questions of Provost Starrett about the cancellation of Dr. Kershner's classes.

18. Provost Starrett stated that the university did not know whether it would permit Dr. Kershner to teach the classes until the morning of Wednesday, August 24, 2022, two days into the Fall 2022 semester.

19. I asked Provost Starrett whether there were safety concerns.

20. Provost Starrett refused to answer.

21. Provost Starrett stated that the university sought to identify alternate instructors for the courses, including reaching out to contingent faculty, to faculty at the University at Buffalo, and to faculty at Buffalo State University.

22. Provost Starrett stated that those efforts had been unsuccessful.

23. A true and correct copy of the minutes of the August 29, 2022, meeting of the University Senate is attached as **Exhibit 42**. My exchanges with President Kolison and Provost Starrett are reflected at pages 6 and 8.

24. On October 3, 2022, President Kolison and Provost Starrett appeared before the University Senate. I asked Starrett whether Dr. Kershner could teach via Zoom video to alleviate safety considerations. Provost Starrett responded that it was a “personnel” issue and refused to address the question.

25. A true and correct copy of the minutes of the October 3, 2022, meeting of the University Senate is attached as **Exhibit 43**. My exchange with Provost Starrett is reflected at page 4.

***Availability of Fall 2023 Philosophy courses***

26. During the Fall 2023 semester, SUNY Fredonia is offering these sections of Philosophy courses:

- a) PHIL 115-04: Introduction to Philosophy
- b) PHIL 364: Justice, Law, and Economics
- c) PHIL 477: SpTp [Special Topics]: People: Key Issues
- d) PHIL 477: Capstone Seminar

27. As with the Fall 2022 semester, these courses are currently listed without an assigned instructor.

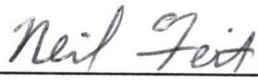
28. On April 3, 2023, I received an email from David Rankin, interim chair of Kershner's department, stating that SUNY Fredonia's administration had decided not to permit Kershner to teach courses in the Fall 2023 semester. A true and correct copy of Rankin's April 3, 2023, email is attached as **Exhibit 44**.

29. In keeping Dr. Kershner from the classroom, President Kolison and Provost Starrett are causing disruption to the Philosophy Department by introducing uncertainty as to whether the courses it offers will be adequately staffed.

30. President Kolison and Provost Starrett's removal of Dr. Kershner is also causing disruption to the students who enroll in Philosophy courses only to learn that their class has been cancelled due to lack of an available instructor.

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge.

Dated: June 8, 2023

  
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Neil Feit